

ENTERED

July 21, 2023

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISIONELIDA GARZA, *et al.*,

Plaintiffs,

VS.

ELEAZAR BANDA MATA, *et al.*,

Defendants.

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CIVIL ACTION NO. 1:23-CV-069

ORDER

In February 2023, Plaintiffs Elida Garza and Santos Garza filed suit in Texas state court against Defendant Eleazar Banda Mata for negligence and Defendant Servicios Especializados Alanis S.A. de C.V., LLC for negligent entrustment and respondeat superior. (Orig. Pet., Doc. 1-1) In May, Banda removed the matter to this Court, which led Plaintiffs to request the remand of the case to state court. (Notice of Removal, Doc. 1; Motion to Remand, Doc. 8)


On July 3, a Magistrate Judge recommended the denial of the Motion to Remand and that Defendant Servicios Especializados Alanis S.A. de C.V., LLC be dismissed with prejudice as improperly joined. (R&R, Doc. 12) No party filed objections to the Report and Recommendation, and the Court finds no clear error within it. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b)(3).

As a result, the Court **ADOPTS** the Report and Recommendation (Doc. 12). It is:

ORDERED that Plaintiffs' Opposed Motion to Remand (Doc. 8) is **DENIED**; and

ORDERED that Plaintiffs Elida Garza and Santos Garza's claims for negligent entrustment and respondent superior against Defendant Servicios Especializados Alanis S.A. de C.V., LLC are **DISMISSED WITH PREJUDICE**.

Signed on July 21, 2023.


Fernando Rodriguez, Jr.
United States District Judge